

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:16-CV-00498-GCM**

GASTONIA 1228 INVESTMENTS, LLC )

**Plaintiff,** )

**v.** )

**ORDER**

HB GASTONIA, LLC, VICTOR P. )  
BALESTRA, NATHAN S. WARD, )  
RICHARD SCHLANDER, JAMES W. )  
HARPEL, SHAUN L. MCGRUDER, )

**Defendants and Third Party Plaintiffs** )

**v.** )

EASCO HAND TOOLS, INC., APEX )  
TOOL GROUP, LLC, AMERICAN HOME )  
ASSURANCE COMPANY, )

**Third Party Defendants** )

THIS MATTER is before the Court on the motion of Defendants and Third-Party Plaintiffs, HB Gastonia, LLC, Victor P. Balestra, Nathan S. Ward, Richard Schlanger, James W. Harpel, and Shaun L. McGruder, (collectively, “Third-Party Plaintiffs”) to dismiss their claims against Third-Party Defendant American Home Assurance Company (“American Home”) without prejudice. It appears to the Court that there is good cause for the motion.

THEREFORE, IT IS HEREBY ORDERED that Third-Party Plaintiffs’ claims against American Home are DISMISSED, *without prejudice*, with each party to bear its own costs, expenses, and attorneys’ fees.

Signed: May 5, 2017



Graham C. Mullen  
United States District Judge

